

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

MICHAEL PITNER, et al.,

Plaintiffs,

v.

NORTHLAND GROUP, INC., et al.,

Defendants.

CASE NO. C11-5853BHS

ORDER GRANTING  
DEFENDANT'S MOTION FOR  
SUMMARY JUDGMENT

This matter comes before the Court on Defendant Northland Group, Inc.'s ("Northland") unopposed motion for summary judgment. Dkt. 30. Northland's motion seeks dismissal of all of Plaintiffs' claims alleged against it in the complaint. *Id.* Plaintiffs have failed to file a response.

Rule 7(b)(2) of the Local Rules states that "[i]f a party fails to file papers in opposition to a motion, such failure may be considered by the court as an admission that the motion has merit." However, in considering a motion for summary judgment, the motion should not be granted simply because there is no opposition, even if the failure to oppose violated a local rule. *See Henry v. Gill Indus.*, 983 F.2d 943, 950 (9th Cir. 1993). Rather, the moving party must demonstrate the absence of genuine issues of material fact,

1 regardless of whether the party against whom the motion for summary judgment is  
2 directed has filed any opposition. *See Cristobal v. Siegel*, 26 F.3d 1488, 1491 (9th Cir.  
3 1994).

4 Here, Northland filed a motion for summary judgment in which it demonstrates  
5 the absence of genuine issues of material fact and Plaintiffs have failed to file an  
6 opposition. Accordingly, the Court concludes that Northland's motion for summary  
7 judgment should be granted.

8 The Court, having considered the pleadings filed in support of the motion and the  
9 remainder of the file, does hereby find and **ORDER** that Northland's motion for  
10 summary judgment (Dkt. 30) is **GRANTED** and the claims alleged in Plaintiffs'  
11 complaint against Northland are **DISMISSED with prejudice**.

12 Dated this 9th day of October, 2012.

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15 BENJAMIN H. SETTLE  
16 United States District Judge  
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